

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1088

Introduced by Thompson, 14

Read first time January 13, 2006

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to infants and children; to amend sections
2 43-2606 and 79-1902, Reissue Revised Statutes of
3 Nebraska; to state findings; to promote awareness of
4 sudden infant death syndrome and shaken baby syndrome; to
5 provide powers and duties; to change provisions relating
6 to training of providers of child care programs and
7 certain educational packets; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds that sudden infant death
2 syndrome is the sudden, unexpected death of an apparently healthy
3 infant less than one year of age that remains unexplained after
4 the performance of a complete postmortem investigation, including
5 an autopsy, an examination of the scene of death, and a review of
6 the medical history. The Legislature further finds that, despite
7 the success of prevention efforts, sudden infant death syndrome has
8 been the second leading cause of death for infants in Nebraska for
9 the last twenty years. Although there are no known ways to prevent
10 sudden infant death syndrome in all cases, there are steps that
11 parents and caregivers can take to reduce the risk of sudden infant
12 death. The Legislature further finds and declares that there is a
13 present and growing need to provide additional programs aimed at
14 reducing the number of cases of sudden infant death syndrome in
15 Nebraska.

16 Sec. 2. The Legislature finds that shaken baby syndrome
17 is the medical term used to describe the violent shaking of an
18 infant or child and the injuries or other results sustained by
19 the infant or child. The Legislature further finds that shaken
20 baby syndrome may occur when an infant or child is violently
21 shaken as part of a pattern of abuse or because an adult has
22 momentarily succumbed to the frustration of responding to a crying
23 infant or child. The Legislature further finds that these injuries
24 can include brain swelling and damage, subdural hemorrhage, mental
25 retardation, or death. The Legislature further finds and declares

1 that there is a present and growing need to provide programs
2 aimed at reducing the number of cases of shaken baby syndrome in
3 Nebraska.

4 Sec. 3. Every hospital, birth center, or other medical
5 facility that discharges a newborn child shall request that each
6 maternity patient and father of a newborn child, if available,
7 view a video presentation and read printed materials, approved by
8 the Department of Health and Human Services, on the dangers of
9 shaking infants and children, the symptoms of shaken baby syndrome,
10 the dangers associated with rough handling or the striking of an
11 infant, safety measures which can be taken to prevent sudden infant
12 death, and the dangers associated with infants sleeping in the same
13 bed with other children or adults. After viewing the presentation
14 and reading the materials or upon a refusal to do so, the hospital,
15 birth center, or other medical facility shall request that the
16 mother and father, if available, sign a form stating that he or she
17 has viewed and read or refused to view and read the presentation
18 and materials. Such presentation, materials, and forms shall be
19 provided by the department.

20 Sec. 4. The Department of Health and Human Services
21 shall conduct public awareness activities designed to promote
22 the prevention of sudden infant death syndrome and shaken baby
23 syndrome. The public awareness activities may include, but not
24 be limited to, public service announcements, information kits and
25 brochures, and the promotion of preventative telephone hotlines.

1 Sec. 5. Section 43-2606, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-2606 (1) The Department of Health and Human Services
4 Regulation and Licensure shall adopt and promulgate rules and
5 regulations for mandatory training requirements for providers
6 of child care and school-age-care programs. Such requirements
7 shall include preservice orientation and at least four hours of
8 annual inservice training. All child care programs required to
9 be licensed under section 71-1911 shall show completion of a
10 preservice orientation approved or delivered by the department
11 prior to receiving a provisional license.

12 (2) The department shall initiate a system of documenting
13 the training levels of staff in specific child care settings to
14 assist parents in selecting optimal care settings.

15 (3) The training requirements shall be designed to meet
16 the health, safety, and developmental needs of children and shall
17 be tailored to the needs of licensed providers of child care
18 programs. The training requirements for providers of child care
19 programs shall include, but not be limited to, information on
20 sudden infant death syndrome, shaken baby syndrome, and child
21 abuse.

22 (4) The department shall provide or arrange for training
23 opportunities throughout the state and shall provide information
24 regarding training opportunities to all providers of child care
25 programs at the time of registration or licensure, when renewing a

1 registration, or on a yearly basis following licensure.

2 (5) Each provider of child care and school-age-care
3 programs receiving orientation or training shall provide his or her
4 social security number to the department.

5 ~~(6) Rules and regulations adopted and promulgated under~~
6 ~~this section by the Department of Health and Human Services shall~~
7 ~~be deemed adopted and promulgated by the Department of Health and~~
8 ~~Human Services Regulation and Licensure on and after August 28,~~
9 ~~1999.~~

10 Sec. 6. Section 79-1902, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-1902 (1) The State Department of Education, in
13 cooperation with the Department of Health and Human Services, the
14 Department of Health and Human Services Regulation and Licensure,
15 and the Department of Health and Human Services Finance and Support
16 shall develop a packet entitled "Learning Begins at Birth" to be
17 given to the parents of each child born in this state on and after
18 January 1, 2003.

19 (2) The packet shall contain information about child
20 development, child care, how children learn, children's health
21 including information on the prevention of sudden infant death
22 syndrome and shaken baby syndrome, services available to children
23 and parents, and any other information deemed relevant by the
24 Department of Health and Human Services, the Department of Health
25 and Human Services Regulation and Licensure, the Department of

1 Health and Human Services Finance and Support, or the State
2 Department of Education. The State Department of Education shall
3 indicate which information in the packet is appropriate for the
4 parents of infants, for the parents of toddlers, and for the
5 parents of preschoolers.

6 (3) The State Department of Education shall develop a
7 variety of types of the packet, based on the needs of parents.
8 The information in the packets may be in the form of printed
9 material or in the form of video tapes, audio cassettes, or other
10 appropriate media.

11 Sec. 7. Original sections 43-2606 and 79-1902, Reissue
12 Revised Statutes of Nebraska, are repealed.